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10/799,461	03/12/2004	Brian Gerard Goodman	TUC920040001US1	7713

7590	12/27/2007	EXAMINER

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EXAMINER
KARIMI, PEGEMAN

ART UNIT	PAPER NUMBER
2629	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>30 October 2007</u>.

2a) ☐ This action is **FINAL**.　　2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>45-52 and 54-56</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☐ Claim(s) <u>45-52, 54-56</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a) ☐ All　b) ☐ Some * c) ☐ None of:

　　　1. ☐ Certified copies of the priority documents have been received.

　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   The amendment filed on 10/30/2007 has been entered and considered by the examiner.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 45-52, 54-56 are rejected under 35 U.S.C. 102(e) as being anticipated by Goodman (U.S. Patent No. 6,970,318).

The applied reference has a common assignee (International Business Machines Corporation) with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

As to claim 45, Goodman ('0318) discloses a system comprising:

a network (60); and

electronic devices (e.g. 170, 150, 138, 110, 100, 56, 11, and etc.) , a plurality of said electronic devices each (e.g. 11) comprising:

a network interface (60) to said network (40):

an electronic persistent visual display (110) mounted at said electronic device (100).

Said electronic persistent visual display having an input (142), said electronic persistent visual display configured to provide a visual label display (label of 110) which persists indefinitely until updated by an input signal at said input (col. 4, lines 61-67);

At least one operational element (110) for operating said automated data storage library (Fig. 9, display is part of the operational panel 23 in the data storage library and displays the label), an operational element for at least one said electronic device (138) comprising at least one robot accessor (18), (col. 8, lines 38-40); and

A processor (150) configured to operate said at least one operational element (display 110), (col. 9, lines 30-32);

Said processor (150) configured to store information regarding said at least one operational element and said processor (col. 6, lines 60-67); (col. 7, lines 1-3); and

Said processor (150) configured to, in response to a predetermined state (element 100 is removed), provide an update input signal (electronically updated external labeling) at said electronic persistent visual display input (col. 7, lines 7-10), said update input signal comprising selected said information (in accordance with the refresh signal visual display is updated) regarding said at least one operational element

and said processor stored by said processor (col. 7, lines 1-3 and lines 13-18), said

update signal (electronically updated external labeling) to update said visual label

display of said electronic persistent visual display (col. 7, lines 7-18).

As to claim 46, Goodman ('0318) teaches wherein said predetermined state

(removing cartridge of element 100) of said processor (150) of said at least one

electronic device (100) comprises a power-on and/or reset (reset = refreshing the visual

display) of said electronic device (col. 7, lines 7-18).

As to claim 47, Goodman ('0318) teaches wherein said processor (150) of each

of said plurality of electronic devices (e.g. the plurality of electronic labeling systems

138) comprises:

a programmable computer processor (It is well known in the art that every

processor has a programming function in order to process the data, processor 150 has

a functionality to update the visual display of element 138) and said predetermined state

of said processor (removing the cartridge) comprises completion of an update to

computer readable program code (updating the external labeling), (col., 7, lines 7-9) of

said programmable computer processor (electronic labeling systems of processor 150

are updated).

As to claim 48, Goodman ('0318) teaches wherein said processor (150) of each

of said plurality of electronic devices (138) additionally is configured to update said

information (updating the visual display) regarding said at least one operational element

(110), (col. 9, lines 30-34) and said processor stored by said processor (col. 9, lines 38-

40) with status information (update information) related to said update to computer

readable program code (updating the external labeling), (col., 7, lines 7-9) of said

programmable computer processor (the external labeling of the processor 150 is

updated), and said processor update signal selected information (col. 6, lines 60-67)

comprises at least said status information (updated information).

As to claim 49, Goodman ('0318) teaches wherein said processor of each of

said plurality of electronic devices comprises (150 of electronic devices 138):

programmable logic (170, it is well known in the art, in order for the control unit 170

to function and control processor 150. it requires a programmable logic to be able to

communicate and control the processor) and said predetermined state (cartridge

loaded in the data storage) of said processor comprises completion of an update to

said programmable logic (col. 6, lines 50-56); (col. 6, lines 47-18).

As to claim 50, Goodman ('0318) teaches wherein said processor (150) of each

of said plurality of electronic devices (138) additionally is configured:

to update said information (updating the visual display) regarding said at least

one operational element (col. 6, lines 60-63) and said processor stored by said

processor (col. 7, lines 1-3) with a version number of said updated to said

programmable logic (170), (updated visual display), and said processor update signal

selected information (update information sent from processor 150 to the input 142)

comprises at least said version number of said update to said programmable logic

(control system 170 updates the visual display, which means an updated display

replaces an already existing visual display information).

As to claim 51, Goodman ('0318) teaches wherein said predetermined state of

said processor comprises:

a state achieved in response to an indication of completion of an engineering

change (removing or loading a cartridge) to said electronic device (col. 6, lines 50-51);

(col. 7, lines 7-8).

As to claim 52, Goodman ('0318) teaches wherein said processor of each of

said plurality of electronic devices additionally is configured:

to update said information regarding said at least one operational element (col.

6, lines 60-63) and said processor stored by said processor (col. 7, lines 1-3) with an

engineering change number of said engineering change to said electronic device

(removing or loading a cartridge into the electronic device), (col. 6, lines 50-51); (col. 7,

lines 7-8), and said processor update signal selected information (update information

sent from processor 150 to the input 142) comprises at least said engineering change

number of said engineering change (col. 6, lines 50-56); (col. 7, lines 7-10).

As to claim 54, Goodman ('0318) teaches 7wherein said processor of each of

said plurality of electronic devices additionally is configured:

to update said information regarding said at least one operational element (col.

6, lines 60-63) and said processor stored by said processor (col. 7, lines 1-3) with status

information related to said change to said at least one operational element (removing

the cartridge), and said processor update signal selected information comprises at least

said status information (col. 7, lines 7-10).

As to claim 55, Goodman ('0318) teaches wherein said predetermined state

(cartridge loaded in the data storage) of said processor comprises a state achieved in

response to a signal received (data written to data storage cartridge) at said network

interface (40), (col. 6, lines 50-56).

As to claim 56, Goodman ('0318) teaches wherein said processor (150) of each

of said plurality of electronic devices additionally is configured to:

select said information (select information = updated information) stored by said

processor (col. 7, lines 1-3) in accordance with said signal received at said network

interface (data written to the magnetic tape media 111), (col. 6, lines 50-56).

Response to Arguments

4.   Applicant's arguments, see Page 2, lines 10-12 of claim 45, filed on 10/30/2007,

with respect to the rejection(s) of claim(s) 45-57 under 102(b) have been fully

considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made in view of Goodman (U.S. Patent No. 6,970,318).

In view of amendment, the reference of Goodman ('0318) has been added for new ground of rejections.

Claim 45 is rejected under 35 US.C 102(e), on page 2, lines 10-12 of claim 45, the applicant has amended claim 45 to read such that operational element for at least one said electronic device comprising at least one robot accessor. The new reference of Goodman ('0318) teaches an operational element (110) for at least one said electronic device (138) comprising at least one robot accessor (18). The visual display has a machine readable display, which comprises a machine reader, machine gripper and a robot accesor in order to communicate with the electronic memory.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pegeman Karimi whose telephone number is (571) 270-1712 and direct fax number is (571) 270-2712. The examiner can normally be reached on Monday-Thursday 8:00am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chanh Nguyen can be reached on (571) 272-7772. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Pegeman Karimi
December 13, 2007

CHANH D. NGUYEN
SUPERVISORY PATENT EXAMINER